

Notice of Allowability

Application No.

09/961,230

Applicant(s)

TOGUCHI ET AL.

Examiner

Art Unit

Marie R. Yamnitzky

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Applicants' amendment filed 14 January 2004.
2. The allowed claim(s) is/are 7-13 and 24-33 (renumbered as 1-17, respectively).
3. The drawings filed on 24 September 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/186,081.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date 02052004.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Philip Miller on February 05, 2004.

The claim amendment is shown on this page. Amendments to the specification and abstract are on subsequent pages.

Claim 7 has been amended as follows:

Claim 7, line 1: "(Presently Presented)" has been changed to --(Currently Amended)--.

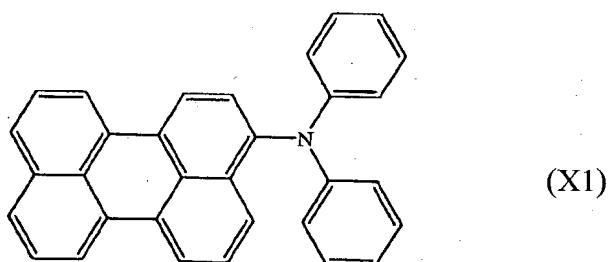
The specification has been amended as follows:

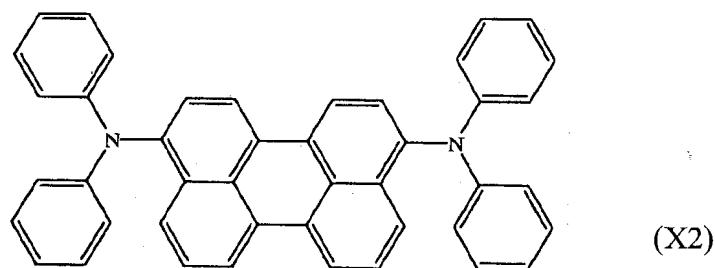
The continuing data statement added before line 5 on page 1 by the preliminary amendment filed September 2, 2001 has been amended as follows:

--The present Application is a Divisional Application of U.S. Patent Application No. 09/186,081, filed on November 5, 1998, now U.S. Patent No. 6,329,083 B1.--

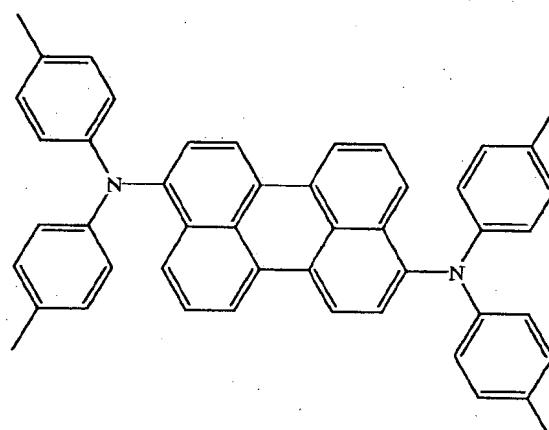
The first paragraph on page 25 (previously amended by the amendment filed August 06, 2003) has been amended by replacing the formula for (X1) with the correct formula shown in the following replacement paragraph:

--Hereinbelow are shown examples of a compound represented with the above-mentioned chemical formula C1 constituting an organic EL device in accordance with the present invention. However, it should be noted that a compound represented with the chemical formula C1 is not to be limited to the examples shown hereinbelow.





(X2)

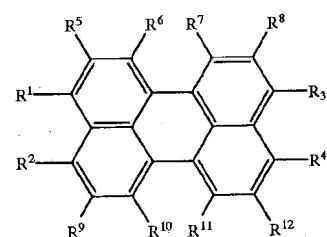


(X3)

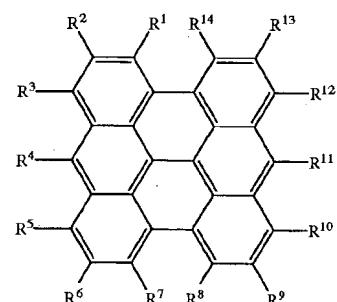
The abstract (previously amended by the amendment filed August 06, 2003) has been replaced by the following clean abstract:

ABSTRACT

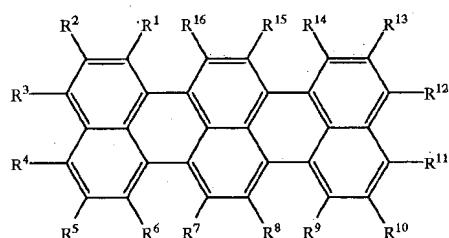
An electroluminescence device includes an anode, a cathode and at least one organic layer sandwiched between the anode and the cathode, the organic layer including at least a light emitting layer which includes at least one of compound C1, compound C2 and compound C4, alone or in combination:



C1



C2



C4

REMARKS

The proposed After Final amendment filed January 14, 2004 overcomes the rejections set forth in the final rejection mailed October 14, 2003 but inadvertently does not comply with 37 CFR 1.121 (eff. date: July 30, 2003). The status identifier “Presently Presented” is not among the seven acceptable status identifiers. A review of claim 7 as set forth in the January 14th amendment compared to the previous version of claim 7 shows the phrase “a substituted or unsubstituted aromatic hydrocarbon group” was added to claim 7 by the after final amendment (although not underlined in the amendment). Accordingly, the correct status identifier for claim 7 in the January 14th amendment is “Currently Amended”. This examiner’s amendment corrects the status identifier.

The examiner also notes that the phrase “a substituted or unsubstituted aromatic heterocyclic group” was added to claim 24 in the January 14th amendment, although not underlined in the amendment. The insertion of the indicated phrases in claims 7 and 24 does not introduce new matter as these phrases were present in original claims 7 and 24. Per applicants’ representative, the inserted, but not underlined, phrases are phrases that were inadvertently omitted when rewriting the claims as amended claims in the amendment filed August 06, 2003.

The amendment to the specification updates the continuing data, and corrects an obvious error in formula (X1). Formula (X1) as shown in the replacement paragraph filed August 06, 2003 is missing two bonds in the perylene ring structure.

A new abstract is provided with this examiner’s amendment in order to avoid a potential printing error that might be caused by pencil marks that the examiner had made on the previously

filed abstract in the paper file. The paper file, including pencil marks, has been converted to an electronic file.

Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 6:30 a.m. to 4:00 p.m. Monday, Tuesday, Thursday and Friday, and every other Wednesday from 6:30 a.m. to 3:00 p.m.

The current fax number for Art Unit 1774 is (703) 872-9306 for all official faxes.
(Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

MRY
February 05, 2004

Marie R. Yamnitzky

MARIE YAMNITZKY
PRIMARY EXAMINER

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